

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JONATHAN A. LITTLE and
KAREN B. LITTLE,

Plaintiffs,

Hon. Ellen S. Carmody

Case No. 1:10-cv-00084

v.

AFS FINANCIAL SERVICES, INC., et al.,

Defendants.

ORDER OF DISMISSAL WITH PREJUDICE

On July 9, 2010, the Honorable Hugh W. Brenneman entered a Report and Recommendation that this matter be dismissed with prejudice and with some costs for failure to prosecute and to follow the orders of the Court (Dkt. 30). See W.D. Mich. L.Civ.R. 41.1. No objections have been filed. The Court having reviewed the history of this matter and Plaintiffs' failure to prosecute a lawsuit they chose to bring, the Report and Recommendation is adopted and this matter is **dismissed with prejudice**.

As stated in the Report and Recommendation, "Instituting litigation and then simply walking away from it is an abuse of the court system." The Court agrees. Defendants have lost time and money in defending themselves. The Court has also invested time in the case. As such, the Court believes that an award of costs is appropriate. Plaintiffs are ordered to pay the costs incurred by Defendants and defense counsel in preparing for and attending the June 22, 2010 settlement conference with Judge Brenneman, at which Plaintiffs failed to appear. Defendants shall have 14

days to file an affidavit of costs incurred. Plaintiffs shall then have seven days to file a response if they wish to dispute the amount of costs. Following a review of those submissions, the Court will enter an order imposing costs.

IT IS SO ORDERED.

Date: August 19, 2010

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge